

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Hanley	Team: Squad #1	CCRB Case #: 201803527	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/26/2018 12:51 PM	Location of Incident: [REDACTED]	Precinct: 32	18 Mo. SOL 10/26/2019	EO SOL 10/26/2019	
Date/Time CV Reported Thu, 04/26/2018 8:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/07/2018 11:14 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Michele Marte	26363	948241	PSA 6

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Gyasi Thompson	14513	939577	PSA 6

Officer(s)	Allegation	Investigator Recommendation
A.POF Michele Marte	Discourtesy: PO Michele Marte spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
B.POF Michele Marte	Off. Language: PO Michele Marte made remarks to § 87(2)(b) [REDACTED] based upon the gender of § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On April 26, 2018, § 87(2)(b) filed this complaint with IAB via telephone. It was referred to the CCRB via IAB log § 87(2)(b) on May 7, 2018.

On April 26, 2018, at approximately 12:51 PM, on the § 87(2)(b) floor of § 87(2)(b) § 87(2)(b), PO Michele Marte allegedly spoke discourteously to § 87(2)(b) (**Allegation A: Discourtesy**, § 87(2)(g)). PO Michele Marte allegedly made remarks to § 87(2)(b) based on her gender (**Allegation B: Offensive Language**, § 87(2)(g)). No arrests were made or summonses issued during this incident. Video footage was obtained from NYCHA surveillance cameras which captured officers entering and leaving the building but did not capture the interaction on the § 87(2)(b) floor.

Findings and Recommendations

Allegation (A) Discourtesy: PO Michele Marte spoke discourteously to § 87(2)(b)

Allegation (B) Offensive Language: PO Michele Marte made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

§ 87(2)(b) stated she called 911 to file a complaint report regarding lewd comments written in the hallway by her apartment (§ 87(2)(b) § 87(2)(b)). § 87(2)(b) believed her ex-boyfriend was responsible for this. Present at her apartment were her hearing-impaired daughter, her son, § 87(2)(b) granddaughter § 87(2)(b) and two other grandchildren (ages § 87(2)(b)). PO Marte and PO Thompson arrived and stepped into § 87(2)(b)'s living room. § 87(2)(b) explained her complaint and PO Marte stated she needed proof it was her § 87(2)(b)'s ex-boyfriend writing on the wall. After arguing with officers, § 87(2)(b) told the officers to leave her apartment and stated she would get other officers to write her report. The officers left and § 87(2)(b) closed the door behind them. § 87(2)(b) heard PO Marte say “stupid (inaudible)” loudly outside the apartment. § 87(2)(b) could not hear the complete phrase but § 87(2)(b) told § 87(2)(b) that PO Marte had referred to her § 87(2)(b) as a “stupid bitch.” § 87(2)(b) estimated the interaction lasted approximately five minutes. § 87(2)(b) called 911 again and two other officers responded and took her complaint.

§ 87(2)(b) stated that she was in her room and heard § 87(2)(b) and officers arguing (Board Review 02). § 87(2)(b) stepped out into the living room and PO Thompson explained that they could not base a report on a “He said, she said” scenario. § 87(2)(b) told the officers to get out of the apartment. § 87(2)(b) slammed the door behind them and locked it. § 87(2)(b) looked out of the peephole and saw PO Marte and PO Thompson standing by the elevator. PO Marte was speaking to PO Thompson about what just happened and stated, “stupid bitch” loudly. The officers exited the third floor via the elevator. § 87(2)(b) told § 87(2)(b) that PO Marte referred to her as a “stupid bitch.”

PO Marte stated that she and PO Thompson responded to § 87(2)(b)'s residence and attempted to get information on § 87(2)(b)'s complaint (Board Review 03). § 87(2)(b) became impatient and after arguing with officers, told them to leave the apartment and stated she would call officers already familiar with her situation. PO Marte and PO Thompson exited the apartment. PO Marte did not recall any conversation after exiting § 87(2)(b)'s apartment and did not recall referring to § 87(2)(b) as a “stupid bitch” or using either term during the incident.

PO Thompson did not recall any conversation between PO Marte and himself after leaving the apartment (Board Review 04). PO Thompson did not hear PO Marte refer to § 87(2)(b) as a “stupid bitch” or otherwise use profanity with regards to § 87(2)(b) at any point during the incident.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 05).
- PO Marte has been a member of service for nine years and has been a subject in one other CCRB complaint and one allegation which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- On May 21, 2018, this case was sent to mediation and on June 25, 2018, this case was returned to investigation as the complaint was no longer eligible for mediation.
- As of September 18, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 07).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 1

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date